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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*on the report of the Third Committee (A/53/625/Add.3)*]

53/160. Situation of human rights in the Democratic Republic of the Congo

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Mindful that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights[2] and the International Convention on the Elimination of All Forms of Racial Discrimination,[3] as well as to the African Charter on Human and Peoples' Rights,[4]

Taking note of Commission on Human Rights resolution 1998/61 of 21 April 1998,[5]

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 2106 A (XX), annex.

[4] United Nations, *Treaty Series*, vol. 1520, No. 26363.

[5] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap II, sect. A.

Having considered the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo,[6] and taking note of the report of the Investigative Team of the Secretary-General charged with investigating serious violations of human rights and international humanitarian law in the Democratic Republic of the Congo,[7]

1. *Expresses its deep concern* at the impact of the current conflict in the Democratic Republic of the Congo on the situation of human rights in that country and its adverse effects on the civilian population;

2. *Takes note* of the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo;[6]

3. *Expresses its concern* at the deterioration of the situation of human rights in the Democratic Republic of the Congo, aggravated by the ongoing conflict in the country and the continuing violations of human rights and international humanitarian law committed in the territory of the Democratic Republic of the Congo, in particular cases of summary and arbitrary execution, disappearances, torture, beatings, arbitrary arrest and detention without trial, sexual violence against women and children and the use of child soldiers;

4. *Urges* all parties to the conflict to take the necessary measures to prevent all violations of human rights and international humanitarian law by forces under their command and to abstain from inciting ethnic hatred and from persecuting civilians on the grounds of nationality or ethnicity;

5. *Supports* all regional efforts aiming at a peaceful settlement of the conflict;

6. *Calls upon* the Government of the Democratic Republic of the Congo to comply with its obligations under international human rights instruments to which the Democratic Republic of the Congo is a party and to promote and protect human rights and fundamental freedoms;

7. *Stresses* the need for the Government of the Democratic Republic of the Congo to assist and protect the civilian population, including refugees and internally displaced persons within the territory of the Democratic Republic of the Congo;

8. *Encourages* the Government of the Democratic Republic of the Congo to continue to allow the International Committee of the Red Cross unhindered access to all persons detained within the territory of the Democratic Republic of the Congo, and calls upon other parties to allow access also;

9. *Stresses* the need to lift restrictions on the work of non-governmental organizations and to ensure respect for the right to freedom of opinion and expression and for the right to freedom of association;

10. *Recalls and welcomes* the expressed commitment of the Government of the Democratic Republic of the Congo to a process of democratization, leading, through the establishment of democratic institutions and the holding of elections, to the creation of a State based on the rule of law and respect for human rights, including representative and accountable government, and calls upon the Government of the

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[6] E/CN.4/1998/65 and Corr.1.

[7] *Official Records of the Security Council, Fifty-third Year, Supplement for April, May and June 1998*, document S/1998/581, annex.

Democratic Republic of the Congo to create conditions that would allow for a democratization process that is genuine and inclusive and fully reflects the aspirations of the people of the country;

11. *Welcomes* the establishment by the Government of the Democratic Republic of the Congo of the Constitutional Commission, inaugurated on 5 November 1997, and its elaboration of a new draft Constitution, and encourages a broad and sustained public debate on the principles of the new Constitution before the holding of a referendum;

12. *Welcomes also* the expressed commitment of the Government of the Democratic Republic of the Congo to reforming and restoring the efficacy of the judicial system, and calls upon the Government to take all necessary measures in this regard;

13. *Recalls* the report of the Investigative Team of the Secretary-General charged with investigating serious violations of human rights and international humanitarian law in the Democratic Republic of the Congo,[7] and calls upon the Government of the Democratic Republic of the Congo to investigate, without delay, the allegations contained in the report of the Investigative Team and to bring to justice any persons found to have been involved in massacres, atrocities or other violations of international humanitarian law;

14. *Regrets* the lack of cooperation of the Government of the Democratic Republic of the Congo with the Special Rapporteur, and urges the Government to allow the Special Rapporteur to visit the country;

15. *Welcomes* the activities of the Human Rights Field Office in the Democratic Republic of the Congo, and encourages the Government of the Democratic Republic of the Congo to extend full cooperation to its operations;

16. *Calls upon* the international community to provide assistance in the field of human rights, in particular to the Human Rights Field Office with a view to reinforcing its capacity to continue to monitor and report on the situation of human rights throughout the Democratic Republic of the Congo, to support the efforts of the Government of the Democratic Republic of the Congo towards strengthening the rule of law and the administration of justice, and to provide the necessary assistance with respect to building national capacity, especially to support and strengthen non-governmental human rights organizations;

17. *Underlines* the need to take human rights considerations fully into account in any settlement of the conflict;

18. *Decides* to continue to examine the situation of human rights in the Democratic Republic of the Congo, and requests the Special Rapporteur to report to the General Assembly at its fifty-fourth session.

85th plenary meeting
9 December 1998